

(3) the term “Office” means the Office of the National Cyber Director;

(4) the term “qualified position” means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Office.

(b) **HIRING PLAN.**—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualified position;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, adopt such provisions of that title to provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

**SA 4113.** Mr. MANCHIN (for himself, Mr. LUJÁN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.**

(a) **IN GENERAL.**—There are authorized to be appropriated to the National Science Foundation, \$176,000,000 for the period of fiscal years 2022 through 2024 for the design, development, prototyping, or mid-scale upgrades of next generation radar and radio astronomy improvements and related activities under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

(b) **APPROVAL.**—Nothing in this section shall amend the Director of the National

Science Foundation’s authority to review and issue awards.

**SA 4114.** Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXPANSION OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

Section 14501 of title 40, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking “three thousand and ninety miles” and inserting “the total number of miles established by the Secretary under subsection (h)”;

(2) by adding at the end the following:

“(h) **EXPANSION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**—As soon as practicable after the date of enactment of this subsection, the Secretary shall establish the total number of miles that is authorized to be constructed for the Appalachian development highway system under subsection (a) based on—

“(1) a report prepared by the Secretary before the date of enactment of this subsection in which the Secretary describes the total number of miles that should be authorized to be constructed for the Appalachian development highway system under subsection (a); or

“(2) if the Secretary determines that there is not an existing report that addresses the matters described in paragraph (1), a report prepared by the Secretary, in consultation with the Appalachian Regional Commission and applicable State departments of transportation, as soon as practicable after the date of enactment of this subsection, that describes the total number of miles that should be authorized to be constructed for the Appalachian development highway system under subsection (a).”.

**SA 4115.** Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . OPIOID SUBSTANCE ABUSE REDUCTION.**

(a) **STEWARDSHIP FEE ON OPIOID PAIN RELIEVERS.**—

(1) **IN GENERAL.**—Chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after subchapter D the following new subchapter:

**“Subchapter E—Certain Opioid Pain Relievers**

“Sec. 4191. Opioid pain relievers.

“**SEC. 4191. OPIOID PAIN RELIEVERS.**

“(a) **IN GENERAL.**—There is hereby imposed on the sale of any active opioid by the manu-

facturer, producer, or importer a fee equal to 1 cent per milligram so sold.

“(b) **ACTIVE OPIOID.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘active opioid’ means any controlled substance (as defined in section 102 of the Controlled Substances Act, as in effect on the date of the enactment of this section) which is opium, an opiate, or any derivative thereof.

“(2) **EXCLUSION FOR CERTAIN PRESCRIPTION MEDICATIONS.**—Such term shall not include any prescribed drug which is used exclusively for the treatment of opioid addiction as part of a medically assisted treatment effort.

“(3) **EXCLUSION OF OTHER INGREDIENTS.**—In the case of a product that includes an active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is an active opioid.

“(c) **REBATE OR DISCOUNT PROGRAM FOR CERTAIN CANCER AND HOSPICE PATIENTS.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, in consultation with patient advocacy groups and other relevant stakeholders as determined by such Secretary, shall establish a mechanism by which—

“(A) any amount paid by an eligible patient in connection with the stewardship fee under subsection (a) shall be rebated to such patient in as timely a manner as possible, or

“(B) amounts paid by an eligible patient for active opioids are discounted at time of payment or purchase to ensure that such patient does not pay any amount attributable to such fee,

with as little burden on the patient as possible. The Secretary of Health and Human Services shall choose whichever of the options described in subparagraph (A) or (B) is, in such Secretary’s determination, most effective and efficient in ensuring eligible patients face no economic burden from such fee.

“(2) **ELIGIBLE PATIENT.**—For purposes of this subsection, the term ‘eligible patient’ means—

“(A) a patient for whom any active opioid is prescribed to treat pain relating to cancer or cancer treatment,

“(B) a patient participating in hospice care,

“(C) a patient with respect to whom the prescriber of the applicable opioid determines that other non-opioid pain management treatments are inadequate or inappropriate, and

“(D) in the case of the death or incapacity of a patient described in subparagraph (A), (B), or (C), or any similar situation as determined by the Secretary of Health and Human Services, the appropriate family member, medical proxy, or similar representative or the estate of such patient.”.

(2) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subchapter D the following new item:

**“SUBCHAPTER E. CERTAIN OPIOID PAIN RELIEVERS”.**

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to sales on or after the later of—

(A) the date which is 1 year after the date of the enactment of this Act; or

(B) the date on which the Secretary of Health and Human Services establishes the mechanism described in subsection (c)(1) of section 4191 of the Internal Revenue Code of 1986, as added by this section.

(b) **BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.**—

(1) **GRANTS TO STATES.**—Section 1921(b) of the Public Health Service Act (42 U.S.C.